



3/14/97 0300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) **PATENT APPLICATION**
Inventors: Gardiner et al.)
SC/Serial No.: 08/781,579)
Filed: January 9, 1997)
Title: SUTURED STAPLE SURGICAL FASTENERS,)
INSTRUMENTS AND METHODS FOR)
MINIMALLY INVASIVE VASCULAR)
AND ENDOSCOPIC SURGERY)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on March 11, 1997.


Brian I. Marcus, Reg. No. 34,511
Signature Date: March 11, 1997

(Attorney Signature)

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Transmitted with this communication in connection with the above-identified application is the following:

- ☒ Information Disclosure Statement under 37 C.F.R. §1.56
- ☒ There is no fee due with this communication.

X The Commissioner is hereby authorized to charge any underpayment of any fees associated with this communication to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 11, 1997

By: Brian I. Marcus

Brian I. Marcus

Reg. No. 34,511

FLIESLER, DUBB, MEYER & LOVEJOY LLP
Four Embarcadero Center, Suite 400
San Francisco, California 94111-4156
Telephone: (415) 362-3800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Gardiner et al.

SC/Serial No.: 08/781,579

Filed: January 9, 1997

**Title: SUTURED STAPLE SURGICAL FASTENERS,
INSTRUMENTS AND METHODS FOR
MINIMALLY INVASIVE VASCULAR
AND ENDOSCOPIC SURGERY**

PATENT APPLICATION

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on March 11, 1997.

Brian I. Marcus, Reg. No. 34,511
Signature Date: March 11, 1997

_____(Attorney Signature)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Box DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Enclosed with this statement are the following:

- X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- X A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the

cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

This statement should be considered because:

X This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,
whichever occurs last.

___ Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (check at least one of the following) --

- ___ (1) It is accompanied by the \$230 fee set forth in 37 C.F.R. §1.17(p)
-- OR --
- ___ (2) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e)

___ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
-- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
-- AND --
- (4) The Issue Fee has not yet been paid.

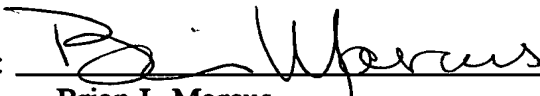
X **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: March 11, 1997

By: _____


Brian I. Marcus
Reg. No. 34,511